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Paper No.

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**JUL 02 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Chen et al. : DECISION GRANTING PETITION  
Application No. 09/905,408 : UNDER 37 CFR 1.137(f)  
Filed: July 16, 2001 :  
Attorney Docket No. TS01-133 :

This is a decision on the "Petition for Revival of an Application for Patent Abandoned For Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f))," filed May 11, 2004.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a corresponding application filed April 10, 2002, in another country, or under a multinational international treaty requiring 18 month publication. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application<sup>1</sup>.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

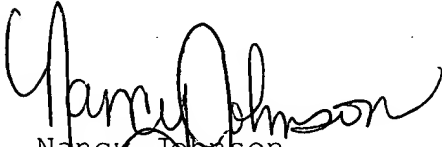
The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after

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<sup>1</sup> A Rescission of Nonpublication Request was filed on December 17, 2002. However, it was not accompanied by a Notice of Foreign Filing.

the date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed. Pursuant to the request to rescind filed December 17, 2002, the previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(I) has been rescinded. A Notice Regarding Rescission of Nonpublication Request to show the projected publication date of October 7, 2004 accompanies this decision on petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

  
Nancy Johnson  
Petitions Attorney  
Office of Petitions

Enclosure: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing.